

From: Aaron Etra <aaron@etra.com>
Date: Wednesday, September 28, 2022 at 1:08 PM
To: Steven Popofsky
<SPopofsky@kkwc.com>, aaronetra@gmail.com <aaronetra@gmail.com>
Cc: mel@dusselgroup.com <mel@dusselgroup.com>
Subject: Re: please see the attached

Mr. Popofsky,

I find it deeply disappointing to see you continue to be cruel and inhuman rather than at all understanding and act in a way that we are meant to with our fellow man at any time, especially during this period of the year. You have to live with the consequences of a "No" response to my reasonable request and your insatiable desire to incarcerate an innocent 81 year old man.

This is especially true when you continue to misconstrue the decision of Judge Batts who rejected your Contempt Motion and recognized that I had acted appropriately with the respect to the funds in my possession. You repeatedly quote from the first hearing when she heard only your allegations, not from the full compliance I exhibited and the full disclosures made to her, which led to her decision favorable to me. How unprofessional is that by you, even at this late date.

You go on to continually and falsely accuse me of misconduct, none of which exists in other than your allegations or accusations, which were the only submissions to the undefended arbitration in which no party other than Benthos participated. At no time, up to this moment in time, as there been any objective basis for concluding that I stole anything or acted other than with the consent and knowledge of the Benthos managers.

The reason is that the facts are otherwise.

The rest of your harangue is to suggest that this pro se defendant did other than try to survive your relentless attacks on a person in frail health and with so clearly limited resources. In response to Court Orders, I have complied as fully as humanly possible with hundreds and hundreds of pages of material. Your ceaseless Subpoenas, Restraining Orders and Contempt Motions have only resulted in my bank accounts being frozen, closed or depleted and my health damaged. The point is and only was, that my very limited funds could never and cannot now fund the award and I should be left to live decently and focus on what I have been doing since the business failure in 2018, that is find funds to assist Benthos, with the effort of Mr. Dussel exactly that and for a sum agreed with you. There is no benefit to Benthos to attack relatives and others who have had nothing to do with this matter and to further injure me.

It is very sad indeed for your being unable to recognize this opportunity to be humane and for once to step away, for even a short time, from your perceived need to harm another human being. Our religion provides such to each of us whatever we think about another and a chance to redeem our own actions done during the prior year.

I renew my wishes to you and your family.

Aaron Etra

From: Steven Popofsky <SPopofsky@kkwc.com>
Date: Tuesday, September 27, 2022 at 5:31 PM
To: aaronetra@gmail.com <aaronetra@gmail.com>
Cc: Aaron Etra <aaron@etra.com>, mel@dusselgroup.com <mel@dusselgroup.com>
Subject: RE: please see the attached

No. You act as though your two-year (documented and adjudicated) history of non-compliance, bad faith, concealment and obstructionism at every turn has not occurred. (And that all happened after you lied over and over to Benthos, facilitated the theft of its \$4.6 million in violation of your fiduciary and other duties, refused to provide details of the destination and whereabouts of its funds and refused to return the remaining \$400,000 until threatened with incarceration by the late Judge Batts (“pack your toothbrush”).)

In the federal Court’s ruling yesterday, each and every one of your arguments was resoundingly rejected, on the facts and on the law, and the Court’s view of your credibility and veracity was made crystal clear (yet again). You have been held in contempt of court repeatedly already, and now you have been ordered to do certain things. Given your history, we expect that you will not comply, at which point we expect the Court will incarcerate you again. In addition, eventually the Court will hold you to account for your repeated and ongoing brazen violations of the restraining notice.

You have exhausted the Court’s patience, but you have not exhausted Benthos’s determination. We are going to track down those fees you have received and pursue all the other information to which Benthos is entitled. We understand that only when what you and your wife have sought to conceal is about to be revealed, and/or only when you are on the verge of a longer period of incarceration, will “Mr. Dussel” come up with your money from overseas. So be it.

In light of the history of your misconduct, as a fellow Member of the Bar and a fellow Jew I find it appalling that you would seek to invoke religion at this juncture to continue to shield your wrongdoing and as a further excuse for your stalling. Your tactics worked for two years; the Court has thankfully put an end to that. Comply with your obligations, or come up with money, but do not tell me about “family and prayers.” You forfeited that right long ago.

STEVEN R. POPOFSKY
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From: Aaron Etra <aaronetra@gmail.com>
Sent: Tuesday, September 27, 2022 3:25 PM
To: Steven Popofsky <SPopofsky@kkwc.com>; Aaron Etra <aaron@etra.com>
Cc: mel@dusselgroup.com
Subject: Re: please see the attached

Mr. Popofsky,

I am just back from second day Rosh Hashonah services and found this message. Thank you for forwarding the Order to Mr. Dussel and myself.

Please let us have a period of peace and non-aggression during the high holidays, to be able to devote this precious time to family and prayers. Please agree to have all parts of the Order returnable post-October 18th Simhat Torah.

Wishing you and your loved ones a happy, healthy and peaceful 5783.

Thank you,

Aaron Etra

From: Steven Popofsky <SPopofsky@kkwc.com>
Date: Tuesday, September 27, 2022 at 12:10 AM
To: Aaron Etra <aaron@etra.com>, aaronetra@gmail.com <aaronetra@gmail.com>
Cc: mel@dusselgroup.com <mel@dusselgroup.com>
Subject: please see the attached

STEVEN R. POPOFSKY

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